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PTO FEE TRANSMITTAL For FY 2003 <small>Patent fees are subject to annual revision.</small> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Complete if Known	
	Application Number	09/916,231
	Filing Date	July 27 2001
	First Named Inventor	Jörg WÖRNER
	Examiner Name	Patrick J. Lee
	Group / Art Unit	2878
TOTAL AMOUNT OF PAYMENT	(\$)	180
Attorney Docket No.		31833-173684

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																							
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<input type="checkbox"/> Deposit Account: Deposit Account Number: 22-0261 Deposit Account Name: VENABLE ATTORNEYS AT LAW		<table border="1"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th><th rowspan="2">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing request for ex parte reexam</td><td></td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Catherine M. Voorhees	Registration No. Attorney/Agent	33,074
Signature	<i>Catherine M. Voorhees</i>	Telephone	(202) 955-4800
		Date	August 29, 2003

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VENABLE
ATTORNEYS AT LAW

PC Docs No.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jörg WÖRNER

Appl. No: 09/916,231

Confirmation No: 6862

Filed: July 21, 2001

For: OPTOELECTRONIC
APPARATUS

Art Unit: 2878

Examiner: Patrick J. Lee

Atty. Docket No: 31833-173684

Customer No:

26694

PATENT TRADEMARK OFFICE

Information Disclosure Statement Under 37 C.F.R. § 1.97(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Information Disclosure Statement submitted under 37 C.F.R. § 1.97 within the time specified under 37 C.F.R. § 1.97(c)(2).

In order to comply with Applicant's duty of disclosure under 37 C.F.R. § 1.56, the U.S. Patent and Trademark Office is notified of the documents which are listed on the attached Form PTO-1449 and which the Examiner may deem relevant to patentability of the claims of the above-identified application. One copy of each of the listed documents is submitted herewith.

The documents are cited in the enclosed German Office Action. A translation of pertinent parts of the German Office Action is enclosed.

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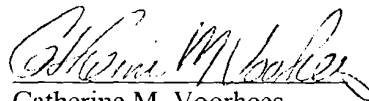
Applicant: Jörg WÖRNER
Serial No.: 09/916,231

The instant Information Disclosure Statement is being filed after the mailing date of a first Office action on the merits, but before receipt of an action that closes prosecution in the application. Accordingly, pursuant to 37 C.F.R. § 1.97(c)(2), a fee of \$180.00 is attached.

In view of the above, no further translation or statement of relevance is required, and as all requirements of 37 C.F.R. § 1.97 and all official guide lines pertaining to Information Disclosure Statements have been complied with, and it is therefore respectfully requested that the Examiner consider the documents and make them of record.

If no check is attached, please charge any necessary fee or credit any overpayment in connection with this Information Disclosure Statement to Deposit Account No. 22-0261.

Respectfully submitted,



Catherine M. Voorhees
Registration No. 33,074

VENABLE

P.O. Box 34385

Washington, D.C. 20043-9998

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Date: August 29, 2003

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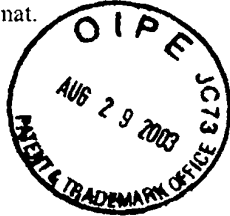
Patent Attorney

Dipl.-Phys.Dr.rer.nat.

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Fabrikstr. 18

73277 Owen



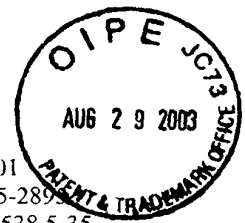
München, June 6, 2001

Telephone: (089)2195-289

File Number: 100 36 538.5-35

Applicant: Leuze electronic GmbH
+ Co.

Your File: PO131900/Hz



Please include file number and applicant with
all submissions and payments

appropriate items marked with [x] or
filled out!

Request for examination made effective August 19, 2000

Submitted:

received:

Further examination of the above-mentioned patent application has led to the
following result. **A period of**

two month(s)

is provided for a response, which starts with the date of delivery.

Respectively **two copies** of all documents, which may be added to the response
(e.g. patent claims, description, text passages from the description, drawings) must be
submitted on separate pages. Only one copy of the response itself is required.

If the patent claims, the description of the drawings are changed during the course
of the examination procedure, the applicant must list individually the location in the
original documents where the inventive features, described in the new documents, can be
found, provided the changes are not suggested by the German Patent and Trademark
Office itself.

The following cited references are mentioned for the first time in this Office Action (the
same numbering applies to the continued procedure):

Reference to the Option of Filing a Divisional Design Patent

The applicant of a patent application filed effective after January 1, 1987 in the Federal Republic of Germany, can file a
design patent (utility model), relating to the same subject matter, and can simultaneously claim the date of the
application of the earlier patent application. This divisional (§ 9 of the Utility Model Act) is possible until the end of 2
months following the end of the month in which the patent has been withdrawn due to a legal rejection, voluntarily or a
fictional withdrawal, an objection procedure has been concluded or – in case of a patent granting – the period of
objection to the granting of the patent has expired without result. Detailed information on the requirements for filing a
utility model application, including the divisional, is contained in the Information Sheet for Utility Model Applicants
(G 6181), which can be obtained free of cost from the German Patent and Trademark office and the patent information
centers.

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The following references are cited for the first time in opposition. (The numbering of these references is also valid for the further procedure):

- (1) DE 35 40 157 C2
- (2) DE 197 04 340 A1
- (3) DE 32 19 452 C2
- (4) DE 31 03 567 C2
- (5) DE 44 19 472 A1
- (6) CH 649 633 A5
- (7) DE 41 33 196 A1

I.

An optoelectronic device for determining and recording the distance to an object on the basis of the pulse transit-time principle is known from reference (1).

In the same way as for the subject matter of claim 1, received on July 27, 2000, this known device makes it possible to decouple a fraction of the laser transmitter signal and to supply this via a reference distance to a receiver. The distance to the object is determined from the time difference between the reference signal and the target echo signal (compare in particular the claims 1 and 8 as well as Figure 1).

II.

The feature in claim 5, for example, is known from reference (1), Figure 1 and lines 2 to 5 on page 4, or from reference (6), Figure 2 and lines 59 to 63 on page 3.

The feature in claim 6, for example, is known from reference (3), columns 11/12.

The digital processing of light pulses according to claims 6 to 11 is generally known to the average person skilled in the art; compare also reference (3), columns 22 and 23 as well as the Abstract in reference (7).

DC2/479631

Deutsches Patent- und Markenamt

München, den 06. Juni 2001

Telefon: (0 89) 21 95 - 2895

Aktenzeichen: 100 36 538.8-35

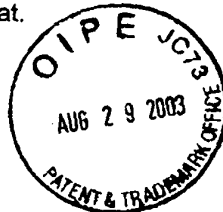
Anmelder:

Leuze electronic GmbH + Co

Deutsches Patent- und Markenamt - 80297 München

Herrn Patentanwalt
Dipl.-Phys. Dr.rer.nat.
Rainer Ruckh
Fabrikstr. 18

73277 Owen



Ihr Zeichen: P0131900/Hz

Bitte Aktenzeichen und Anmelder bei
allen Eingaben und Zahlungen angeben

Zutreffendes ist angekreuzt ☒ und/oder ausgefüllt

Prüfungsantrag, wirksam gestellt am 19. August 2000

Eingabe vom

eingegangen am

Die Prüfung der oben genannten Patentanmeldung hat zu dem nachstehenden Ergebnis geführt.

Zur Äußerung wird eine Frist von

zwei Monat(en)

gewährt, die mit der Zustellung beginnt.

Für Unterlagen, die der Äußerung gegebenenfalls beigelegt werden (z.B. Beschreibung, Beschreibungsteile, Patentansprüche, Zeichnungen), sind je zwei Ausfertigungen auf gesonderten Blättern erforderlich. Die Äußerung selbst wird nur in einfacher Ausfertigung benötigt.

Werden die Beschreibung, die Patentansprüche oder die Zeichnungen im Laufe des Verfahrens geändert, so hat der Anmelder, sofern die Änderungen nicht vom Deutschen Patent- und Markenamt vorgeschlagen sind, im Einzelnen anzugeben, an welcher Stelle die in den neuen Unterlagen beschriebenen Erfindungsmerkmale in den ursprünglichen Unterlagen offenbart sind.

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Hinweis auf die Möglichkeit der Gebrauchsmusterabzweigung

Der Anmelder einer nach dem 1. Januar 1987 mit Wirkung für die Bundesrepublik Deutschland eingereichten Patentanmeldung kann eine Gebrauchsmusteranmeldung, die den gleichen Gegenstand betrifft, einreichen und gleichzeitig den Anmeldetag der früheren Patentanmeldung in Anspruch nehmen. Diese Abzweigung (§ 5 Gebrauchsmustergesetz) ist bis zum Ablauf von 2 Monaten nach dem Ende des Monats möglich, in dem die Patentanmeldung durch rechtskräftige Zurückweisung, freiwillige Rücknahme oder Rücknahmefiktion erledigt, ein Einspruchsverfahren abgeschlossen oder - im Falle der Erteilung des Patents - die Frist für die Beschwerde gegen den Erteilungsbeschluss fruchtlos verstrichen ist. Ausführliche Informationen über die Erfordernisse einer Gebrauchsmusteranmeldung, einschließlich der Abzweigung, enthält das Merkblatt für Gebrauchsmusteranmelder (G 6181), welches kostenlos beim Patent- und Markenamt und den Patentinformationszentren erhältlich ist.

**Annahme stell und
Nachbriefkasten
nur
Zweibrückenstraße 12**

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Zweibrückenstraße 5-7 (Breiterhof)
Markenabteilungen:
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81534 München

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S-Bahnanschluss im
Münchner Verkehrs- und
Tarifverbund (MVV):



Zweibrückenstr. 12 (Hauptgebäude)
Zweibrückenstr. 5-7 (Breiterhof)
S1 - S8 Haltestelle Isartor

Cincinnatistraße:
S2 Haltestelle Fasengarten
Bus 98 / 99 (ab S-Bahnhof Giesing) Haltestelle Cincinnatistraße

In diesem Bescheid sind folgende Entgegenhaltungen erstmals genannt. (Bei deren Nummerierung gilt diese auch für das weitere Verfahren):

- (1) DE 35 40 157 C2
- (2) DE 197 04 340 A1
- (3) DE 32 19 452 C2
- (4) DE 31 03 567 C2
- (5) DE 44 19 472 A1
- (6) CH 649 633 A5
- (7) DE 41 33 196 A1

I.

Aus der Druckschrift 1 ist eine optoelektronische Vorrichtung zur Erfassung und Distanzbestimmung eines Objektes nach dem Impulslaufzeitprinzip bekannt.

Bei dieser bekannten Vorrichtung wird ebenso wie beim Gegenstand des am 27. Juli 2000 eingegangenen Patentanspruchs 1 ein Bruchteil des Lasersendesignals ausgekoppelt und über eine Referenzstrecke einem Empfänger zugeführt. Aus der Zeitdifferenz zwischen dem Referenzsignal und dem Zielechosignal wird die Distanz zu dem Objekt bestimmt, vergleiche insbesondere Ansprüche 1 und 8 sowie Figur 1.

Somit sind sämtliche Merkmale des vorliegenden Patentanspruchs 1 aus der Druckschrift 1 entnehmbar.

Der Anspruch 1 ist deshalb mangels Erfindungshöhe seines Gegenstandes nicht gewährbar.

Aus den Druckschriften 2 bis 6 sind ebenfalls derartige optoelektronische Vorrichtungen bekannt, bei denen ein Bruchteil des Lasersendesignals über eine Referenzstrecke geführt wird, vergleiche insbesondere jeweils Figur 1 sowie Anspruch 1.

II.

Nach Wegfall des tragenden Patentanspruchs 1 sind die rückbezogenen Ansprüche 2 bis 15

einem selbstständigen Patentschutz nicht zugänglich, da ihre Gegenstände entweder bereits bekannt sind oder im Rahmen fachmännischen Handelns liegen.

Die periodische Ablenkung eines Lichtstrahls ist unter dem Begriff "Scannen" dem Fachmann allgemein bekannt.

Zur genauen Berechnung der Entfernung muss der Durchschnittsfachmann selbstverständlich für jeden Sendeimpuls auch einen Referenzimpuls erzeugen.

In der Anordnung einer Reflexionsfläche im Sendelichtstrahl, die einen Teil der Lichtmenge auskoppelt, kann ebenfalls keine Erfindung mehr erblickt werden.

Das Merkmal des Anspruchs 5 ist beispielsweise aus Druckschrift 1, Figur 1 und Seite 4, Zeilen 2 bis 5 oder aus Druckschrift 6, Figur 2 und Seite 3, Zeilen 59 bis 63 bekannt.

Das Merkmal des Anspruchs 6 ist z.B. aus Druckschrift 3, Spalte 11/12 bekannt.

Die digitale Verarbeitung von Lichtimpulsen gemäß den Ansprüchen 6 bis 11 ist dem Durchschnittsfachmann allgemein bekannt, vergleiche z.B. auch Druckschrift 3, Spalten 22 und 23 sowie Druckschrift 7, Zusammenfassung.

Schließlich kann auch den Ansprüchen 13 bis 15 keine einen selbstständigen Patentschutz zugängliche Lehre zum technischen Handeln entnommen werden.

Die Ansprüche 2 bis 15 sind deshalb aus den genannten Gründen nicht gewährbar.

III.

Sollte die Anmelderin der Auffassung sein, eine patentfähige Lehre zum technischen Handeln ursprünglich offenbart zu haben, wird ihr anheimgestellt, dies unter Angabe von Gründen ausführlich darzulegen und einen auf die noch für erfinderisch gehaltenen Merkmale gerichteten, gegen den nachgewiesenen Stand der Technik abgegrenzten neuen Hauptanspruch sowie an diesen angepasste Unteransprüche einzureichen.